

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44567 of 2024

Arising Out of PS. Case No.-188 Year-2024 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Kundan Kumar @ Kundan Yadav Son of Late Parmanand Yadav Village-
Surkhikal, Jhoparpatti, PS- Barari, Dist- Bhagalpur P/A- Sahjadpur Mansard,
Ps- Madhusudanour, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Rajive Ranjan Singh, learned counsel

appearing on behalf of the petitioner and Mr. Tapeswar

Sharma, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Kotwali (Barari) P.S. Case No. 188 of 2024 registered
under Sections 147, 149, 341, 323, 333, 307, 379, 353, 504, 506
of the Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioner, along with seven named accused and some other
unknown persons, had obstructed the police officers from
discharging their official duty, in which some of the police
officers sustained injuries.

4. Learned counsel appearing on behalf of the



petitioner submits that allegation against the petitioner is general and omnibus. Learned counsel submits that petitioner is innocent and he has falsely been implicated in the present case. Petitioner's name has come in the present case on the confessional statement made by the co-accused and confession made before the police has no evidentiary value in the eye of law. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that there is general and omnibus allegation against the petitioner and also the fact that name of the petitioner has surfaced in the present case on the basis of confessional statement made by the co-accused and confessional statement made before the police has no evidentiary value in the eye of law, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 188 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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